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MAY 24 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

1 **GLENN RUDOLFSKY**
2 **KIM RUDOLFSKY**
3 2825 Shore Drive
4 Merrick NY 11566
5 skymick@mac.com
6 Phone 516-377-6599
7 Fax 516-377-6599
8 Mobile 808-755-5869
9 *Defendants, Pro Se*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 **MAX RUHLMANN AND ERIC SAMBOLD, CASE NO.: 2:14-cv-00879-RFB-NJK**

13 **Plaintiffs,**

14 **vs.**

**DEFENDANT'S MEMORANDUM
REGARDING ORDER TO SHOW CAUSE
FILED MAY 17, 2016**

15 **GLENN RUDOLFSKY, individually and DBA
16 HOUSE OF DREAMS KAUAI and HOUSE
17 OF DREAMS HAWAII; KIM D.
18 RUDOLFSKY, AKA KIM DAPOLITO,
19 individually; and DBA HOUSE OF DREAMS
20 KAUAI and HOUSE OF DREAMS HAWAII,**

21 **Defendants.**

22 **DEFENDANT'S MEMORANDUM REGARDING TO ORDER TO SHOW CAUSE**

23 Defendants, *pro se*, Glenn Rudolfsky ("Mr. Rudolfsky") and Kim Rudolfsky ("Mrs.
24 Rudolfsky") (collectively "Defendants"), hereby would like to respond to The Honorable U.S.
25 Magistrate Judge Nancy J. Koppe's Order To Show Cause, Doc No 63.

26 On September 29th, 2015, Tom Edwards, our attorney, suggested we seek new
27 representation. On Friday October 2nd, 2015, Mrs. Rudolfsky underwent a surgical procedure.
28 For the following week she was on heavy medication while Defendants' were handling the
transition from one attorney to the next. It was during that gap the 7-day period to schedule
discovery expired. Being between counsel, Defendants' were unaware of this deadline. On
October 8th we retained the counsel of Jay Young of Howard and Howard who reviewed our case
and proceeded with a Motion To Dismiss pursuant to the Statute Of Frauds, and for failure to
plead fraud with specificity. We relied on our Mr. Young to inform us of impending court

DEFENDANTS MEMORANDUM

1 informed by him that we had missed any. For that we humbly apologize and request the court not
2 impose sanctions. We do not live in Nevada and since Mr. Young has withdrawn from
3 representing us in this case, we have not been receiving court notices.
4

5 As soon as the Defendants' realized that they weren't receiving court notices, Mr.
6 Rudolfsky called the court and spoke with Ari Caytuero on Friday May 20th, 2016 to ask why
7 we have not been receiving any documentation from the court. Upon his review he informed us
8 he would be checking with Quality Control on Monday, May 23rd to look into a discrepancy. Ari
9 said that an attorney named Robert Hernquist, an employee of Howard and Howard is listed as
10 our counsel and all filings have been going to him, none of which have been forwarded to us.
11 This is in contrast to the ORDER GRANTING Substitution, (Document No 61) signed on May
12 3rd, 2016. (See **Exhibit A**)

13 On May 11th 2016, we received an email from Debbie Skillin in which opposing counsel
14 Liz Foley wrote the following. (See **Exhibit B**)

15 *Dear Mr. and Mrs. Rudolfsky,*
16

17 *I enclosed for your review and signature a proposed Discovery Plan. Please*
18 *indicate your preferences and sign and return at your earliest opportunity. If I do not*
19 *hear back from you by May 16th, I will submit Plaintiff's own Discovery Plan to the Court.*

20 The above email sent from Debbie Skillin did not contain the said attachment. We replied
21 the next morning on May 12th informing her of the missing attachment and it was resent to us at
22 4:35PM on that same day.

23 As Elizabeth Foley requested, we responded on May 15th at 6:55PM HST with the
24 following email. We also asked for her to contact our attorney in Hawaii, Katherine Caswell with
25 the hope of entering into settlement talks. (See **Exhibit C**)
26

27 *Aloha Elizabeth,*

28 *Thank you for your email.*

Given the pending dispositive motion regarding the statute of frauds, we think a stay would be
DEFENDANTS MEMORANDUM

1 appropriate. The Supreme Court has long mandated that trial courts should resolve civil
2 matters fairly but without undue cost. Brown Shoe Co. v. United States, 370 U.S. 294, 306
3 (1962). As you know, discovery is expensive. Would you stipulate to a stay until the court
4 resolves the motion?

5 We remain open to settlement talks and would ask you to please contact Katherine Caswell,
6 who is handling our Hawaii appeal.

7 Katherine Caswell can be reached at:

8 Attorney at Law
9 4-831 Kuhio Hwy
10 Suite 438, PMB 349
11 Kapa'a, HI 96746
12 Ph: (808) 255-6800
13 Fax: (808) 441-0951
14 Email: mykauaiattorney@gmail.com

15 Elizabeth Foley did not set a deadline for a discovery plan, she simply stated "at your earliest
16 convenience". We responded on May 15th, which was in accordance with her request. We asked
17 Elizabeth Foley if she would stipulate to a stay of discovery and she did not reply.

18 In light of the circumstances outlined above and given the burden of representing
19 ourselves Pro Se, we respectfully request to be granted a fair timeframe to prepare our Motion To
20 Stay Discovery.

21 While we the defendants feel our position is one of virtue and factuality, it is our desire to
22 negotiate a settlement or to mediate with the plaintiffs. Litigation is financially grueling, but the
23 even greater cost is the emotional burden this has placed on our lives and family. We pray the
24 plaintiffs also feel it would be in the best interest of all parties to explore a common ground and
25 work towards an amicable resolution

26 Dated this day of May 23rd, 2016.

27 
28 GLENN RUDOLFSKY
Defendant, Pro Se

KIM RUDOLFSKY
Defendant, Pro S

DEFENDANTS MEMORANDUM

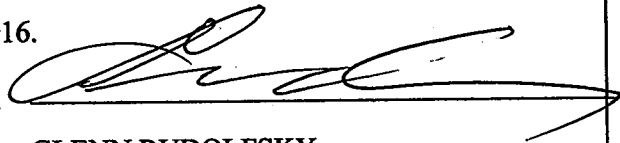
CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 23rd day of May, 2016, I caused the document entitled DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE, to be served upon the following, *via* United States Mail, at the below-listed address:

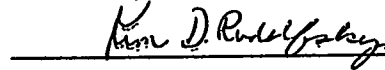
Elizabeth J. Foley, Esq.
ELIZABETH J. FOLEY, LAWYER, LTD.
601 South Rancho Drive, Suite A-1
Las Vegas, Nevada 89106

Attorney for Plaintiffs

Dated this day of May 23rd, 2016.



GLENN RUDOLFSKY
Defendant, *Pro Se*



KIM RUDOLFSKY
Defendant, *Pro Se*

DEFENDANTS MEMORANDUM

EXHIBIT A

Case 2:14-cv-00879-RFB-NJK Document 61 Filed 05/03/16 Page 1 of 2

HOWARD & HOWARD ATTORNEYS PLLC

Jay Young, Esq.

Nevada Bar No. 5562

3800 Howard Hughes Pkwy., Suite 1000

Las Vegas, NV 89169

Telephone: (702) 257-1483

Facsimile: (702) 567-1568

E-mail: jay@h2law.com*Attorneys for Defendants***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

MAX RUHLMAN and ERIC SAMBOLD,

Plaintiffs,

vs.

GLENN RUDOLFSKY, individually, and DBA
HOUSE OF DREAMS KAUAI and HOUSE OF
DREAMS HAWAII; KIM D. RUDOLFSKY,
AKA KIM DAPOLITO, individually, and DBA
HOUSE OF DRAMS KAUAI and HOUSE OF
DREAMS HAWAII,

Defendants.

Case No. 2:14-cv-00879-RFB-NJK

ORDER GRANTING**SUBSTITUTION OF ATTORNEY
FOR DEFENDANTS**

Please take notice that Defendants Glenn Rudolfsky, individually, and d/b/a House of Dreams Kauai and House of Dreams Hawaii and Kim D. Rudolfsky a/k/a Kim Dapolito, individually, and d/b/a House of Dreams Kauai and House of Dreams Hawaii, hereby substitutes themselves, in place of Howard & Howard Attorneys PLLC, acting in propria persona, in this action. The contact information for the Defendants, pro se is as follows:

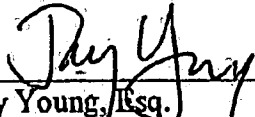
Glenn & Kim D. Rudolfsky
HOUSE OF DREAMS KAUAI and
HOUSE OF DREAMS HAWAII
2825 Shore Drive
Merrick, NY 11566
Telephone: (808) 755-5869
E-mail: skymick@mac.com

EXHIBIT A

Case 2:14-cv-00879-RFB-NJK Document 61 Filed 05/03/16 Page 2 of 2

1 DATED this 2 day of ^{May}~~April~~, 2016.

2 HOWARD & HOWARD ATTORNEYS PLLC

3 
 4 Jay Young, Esq.
 5 Nevada Bar No. 5562
 6 3800 Howard Hughes Parkway, Suite 1000
 7 Las Vegas, NV 89169

8 CONSENT TO SUBSTITUTION

9
 10 Glenn Rudolfsky and Kim D. Rudolfsky do hereby accept the above and foregoing
 11 substitution of attorney for Defendants in the above-entitled matter.

12 DATED this 2 day of ^{May}~~April~~, 2016.

13 
 14 GLENN RUDOLFSKY

15 
 16 KIM D. RUDOLFSKY

17
 18
 19 This motion to substitute is GRANTED. The motions to withdraw as attorney
 20 (Docket Nos. 54, 55) are DENIED as moot. The hearing set for May 9, 2016,
 21 is VACATED.

22 IT IS SO ORDERED.
 23 Dated: May 3, 2016

24 
 25 United States Magistrate Judge

EXHIBIT B

ELIZABETH J. FOLEY

FOLEY LAW CENTER

601 South Rancho Dr., Suite A-1

Quail Park II

Las Vegas, Nevada, 89106

Phone: (702) 363-2323 Facsimile: (702) 380-4035

Also admitted in Colorado & Washington, D.C.

May 10, 2016

Via Priority Mail and email

Glenn and Kim Rudofsky

House of Dreams Kauai

House of Dreams Hawaii

2825 Shore Drive

Merrick, New York 11566

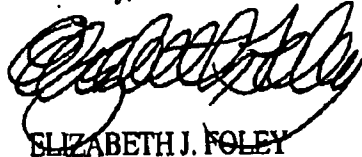
Re: Case No.: 2:14-cv-00879-RFB-NJK

Dear Mr. and Mrs. Rudofsky,

I enclose for your review and signature a proposed Discovery Plan. Please indicate your preferences and sign and return at your earliest opportunity. If I do not hear back from you by May 16, 2016, I will submit Plaintiff's own Discovery Plan to the Court.

Thank you for your anticipated courtesy and cooperation. Please respond to efoleyparalegal@gmail.com.

Sincerely,



ELIZABETH J. FOLEY

EXHIBIT C

From: Glenn Rudofsky
Subject: Discovery
Date: May 15, 2016 6:55:21 PM HST
To: Debbie Skillin

Hide
Sent - iCloud

Aloha Elizabeth,

Thank you for your email.

Given the pending dispositive motion regarding the statute of frauds, we think a stay would be appropriate. The Supreme Court has long mandated that trial courts should resolve civil matters fairly but without undue cost. Brown Shoe Co. v. United States, 370 U.S. 294, 306 (1962). As you know, discovery is expensive. Would you stipulate to a stay until the court resolves the motion?

We remain open to settlement talks and would ask you to please contact Katherine Caswell, who is handling our Hawaii appeal.

Katherine Caswell can be reached at:

Attorney at Law
4-831 Kuhio Hwy
Suite 438, PMB 349
Kapa'a, HI 96746
Ph: (808) 255-6800
Fax: (808) 441-0951
Email: mykauaiattorney@gmail.com

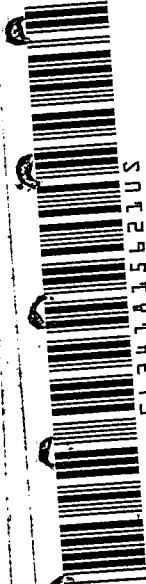
With Aloha,



MOBILE - 808.755.5869

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Glenn + Kim Rudofsky
2825 Shore Drive
Merrick NY 11566

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US DISTRICT COURT

DISTRICT OF NEVADA

CLERK'S OFFICE

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Las Vegas NV 89101

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1- Day	2- Day	3- Day	4- Day	5- Day	6- Day	7- Day	8- Day	9- Day	10- Day	11- Day	12- Day	13- Day	14- Day
11566	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16	5/24/16
11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM	11:01 AM
Weight	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01	11.01
Rate	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95
Postage	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95
Insurance Fee													
Return Receipt Fee													
Live Animal Transportation Fee													
COD Fee													
Total Postage & Fees	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95	22.95

3-ADDRESSEE COPY

PSN 7690-02-000-9996

LABEL 11-B, SEPTEMBER 2015

INTERNATIONALLY,
DECLARATION
IS REQUIRED.



URGENT

US District Court
District of Nevada
Clerks Office
333 Las Vegas Blvd South
Las Vegas, NV 89101